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PATENT/Docket No. 6231.N CN1
Appl. No. 09/500,246
Filing Date: February 8, 2000
Reply to Office action of January 15, 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit : 1616
Examiner : F. Choi
Applicant(s) : Todd P. Foster, William M. Moseley, Satish K. Singh
Serial Number : 09/500,246
Filed : February 8, 2000
For : PHARMACEUTICAL IMPLANT CONTAINING IMMEDIATE
RELEASE AND SUSTAINED RELEASE COMPONENTS AND
METHOD OF ADMINISTRATION

Box RCE
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT AND SUBMISSION FOR REQUEST FOR CONTINUED**EXAMINATION UNDER 37 C.F.R. 1.114**

Sir:

The above-referenced Application is a Continued Prosecution Application (CPA) of Application Number 09/500,246, filed February 8, 2000, which claims priority from US provisional application 60/171,215, filed December 16, 1999. The U.S. Patent and Trademark Office issued a Final Office Action, dated January 19, 2005 (hereinafter, the "Office Action") in this Application. The Application is currently pending. An Extension of Time and the present Request for Continued Examination are timely filed.

Claims 26-28, 32-38, and 42-50 are pending and stand rejected. In the Office Action, claim 27 was objected to under 37 CFR 1.75(c) as being of improper dependent form, claims 26-28, 32-33, 36-38, 42-50 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite, and claims 34-35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cady, et al (US Pat. 6,498,153) in view of Okada et al, (US Pat. 4,652,441), Babcock et al. (US Pat. 3,417,182), Montgomery et al., and Grimm (US Pat. 5,522,797).

FORM AMEND
Rev. 5/27/03

Page 1 of 9

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Applicants respectfully request that this Amendment be considered as the required submission under 37 C.F.R. § 1.114 for the Request for Continued Examination filed herewith, and that Examiner reconsider the application and withdraw the rejections in view of the following amendments and remarks:

Amendments to the Claims are reflected in the listing of claims which begins on page 3 of this paper.

Remarks/Arguments begin on page 7 of this paper.

FORM AMEND
Rev. 5/27/03

Page 2 of 9

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